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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,326	04/09/2004	Robert M. Leach	11474.0NEW

26712
 HODGSON RUSS LLP
 ONE M & T PLAZA
 SUITE 2000
 BUFFALO, NY 14203-2391



CONFIRMATION NO. 9700
 FORMALITIES LETTER
 OC000000013061496
 OC000000013061496

Date Mailed: 06/24/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) all except 1a.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.


08/26/2004 EFLORES 00000133 10821326

01 FC:1051

130.00 UP

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 24, 2004

Susan L. Eick

Name

Susan L. Eick

Signature

August 24, 2004

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Leach et al.

Serial No.: 10/821,326

Filed: April 9, 2004

For: Micronized Wood Preservative Formulations

RESPONSE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice to File Missing Parts of Non-provisional Application mailed June 24, 2004 (copy enclosed), herewith is the executed Declaration and the \$130.00 filing fee.

Also enclosed herewith are replacement drawings in response to the aforementioned Notice to File Missing Parts.

If any underpayment or overpayment has been made, please charge to Deposit Account No. 08-2442.

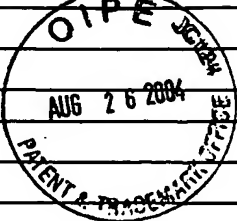
Respectfully submitted,

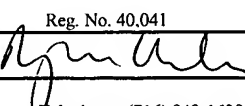
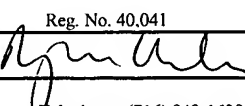
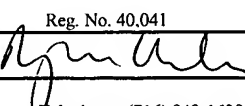
HODGSON RUSS LLP

By Ranjana Kadle
Ranjana Kadle, Reg. No. 40,041

One M&T Plaza, Suite 2000
Buffalo, New York 14203
Tel: (716) 848-1628
Dated: August 24, 2004
BFLODOCS: 953595 v1 (KFSR011.DOC)

PTO/SB/174(10-03) Approved for use through 07/31/2006, OMB 0651-0032 <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">for FY 2004</h3> <p style="text-align: center;"><i>Effective 10/01/2003. Patent Fees are subject to annual revision.</i></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p>				Application Number 10/821,326	
				Filing Date April 9, 2004	
				First Named Inventor Leach et al.	
				Examiner Name 	
				Group/Art Unit 	
TOTAL AMOUNT OF PAYMENT		(\$) 130.00		Attorney Docket Number 11474.0328	



METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																												
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: <u>08-2442</u> Deposit Account Name: <u>Hodgson Russ LLP</u> The Director is hereby authorized to (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Charge any fee deficiencies or credit any overpayments <input type="checkbox"/> Charge any additional fees during pendency of this application. <input type="checkbox"/> Charge fees indicated below, except for the filing fee to the above-identified deposit account				<h3>3. ADDITIONAL FEES</h3> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>\$130</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>\$</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td>\$</td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td>\$</td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting Publication of SIR prior to Examiner Action</td> <td>\$</td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting Publication of SIR after Examiner Action</td> <td>\$</td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td>\$</td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td>\$</td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td>\$</td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td>\$</td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td>\$</td> </tr> <tr> <td colspan="2">SUBTOTAL (1)</td> <td>\$ 0</td> <td></td> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td>\$</td> </tr> <tr> <td colspan="2">2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE</td> <td colspan="2">Fee Paid</td> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td>\$</td> </tr> <tr> <td colspan="2"> Extra Claims Fee from below Total Claims // -20** = / / x / / = </td> <td colspan="2">\$</td> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td>\$</td> </tr> <tr> <td colspan="2">Independent Claims / / - 3** = / / x / / =</td> <td colspan="2">\$</td> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td>\$</td> </tr> <tr> <td colspan="2">Multiple dependent / / x / / =</td> <td colspan="2">\$</td> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td>\$</td> </tr> <tr> <td colspan="2">Large Entity Small Entity</td> <td colspan="2"></td> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td>\$</td> </tr> <tr> <td colspan="2">Fee Fee Fee Fee</td> <td colspan="2"></td> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>10 advance copies</td> <td>\$</td> </tr> <tr> <td colspan="2">Code (\$)</td> <td colspan="2">Code (\$)</td> <td colspan="2">Fee Description</td> <td colspan="2"></td> <td>Utility issue fee (or reissue)</td> <td>\$</td> </tr> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td>9</td> <td>Claims in excess of 20</td> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> <td>\$</td> </tr> <tr> <td>1201</td> <td>86</td> <td>2201</td> <td>43</td> <td>Independent claims in excess of 3</td> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> <td>\$</td> </tr> <tr> <td>1203</td> <td>290</td> <td>2203</td> <td>145</td> <td>Multiple dependent claim if not paid</td> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td>\$</td> </tr> <tr> <td>1204</td> <td>86</td> <td>2204</td> <td>43</td> <td>**Reissue independent claims over original patent</td> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td>\$</td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td>9</td> <td>**Reissue claims in excess of 20 and over original patent</td> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Statement</td> <td>\$</td> </tr> <tr> <td colspan="2">SUBTOTAL (2)</td> <td colspan="2">\$ 0</td> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>\$</td> </tr> <tr> <td colspan="4" style="vertical-align: top;"> SUBMITTED BY: Ranjana Kadle Reg. No. 40,041 </td> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection(37 CFR 1.129(a))</td> <td>\$</td> </tr> <tr> <td colspan="4" style="vertical-align: top;"> SIGNATURE  </td> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each add'l invention to be examined(37 CFR 1.129(b))</td> <td>\$</td> </tr> <tr> <td colspan="4" style="vertical-align: top;"> DATE: August 24, 2004 Telephone: (716) 848-1628 </td> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request For Continued Examination (RCE)</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for Expedited Examination of a design application</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td colspan="4">Other fee (specify) _____</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td colspan="4" style="text-align: right;">*Reduced by basic filing fee paid</td> <td style="text-align: right;">SUBTOTAL (3)</td> <td>\$ 130</td> </tr> </tbody></table>					Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath	\$130	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$	1053	130	1053	130	Non-English specification	\$	1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	\$	1804	920*	1804	920*	Requesting Publication of SIR prior to Examiner Action	\$	1805	1,840*	1805	1,840*	Requesting Publication of SIR after Examiner Action	\$	1251	110	2251	55	Extension for reply within first month	\$	1252	420	2252	210	Extension for reply within second month	\$	1253	950	2253	475	Extension for reply within third month	\$	1254	1,480	2254	740	Extension for reply within fourth month	\$	1255	2,010	2255	1,005	Extension for reply within fifth month	\$	SUBTOTAL (1)		\$ 0		1401	330	2401	165	Notice of Appeal	\$	2. 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